

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

No. CR 04-0317 MHP

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

CHARLES EDWARD LEPP,

Defendant(s).

**ORDER DENYING  
APPLICATION FOR  
STAY**


On the eve of his surrender into custody, sentence having been imposed on May 18, 2009 and defendant's self-surrender date having been set at that time for July 6, 2009, defendant moves "Emergency Ex Parte" to continue his surrender date to permit him to file a motion for "conditional release pending appeal".

This motion was filed late on July 1, 2009, and received the next day by this court on the eve of a three-day weekend and at a time when it was not possible to reach the assigned Assistant United States Attorney.

Nor is there any justifiable reason asserted for the application. The sole paragraph of the motion relating to the basis for a conditional release motion is that "[t]he medical marijuana debate is exactly the scenario envisioned by the Garcia court", citing the case of United States v. Garcia, 340 F.3d 1013 (9th Cir. 2003), and acknowledging that the Garcia court upheld the denial of release pending appeal. The United States Supreme Court has quashed the medical marijuana "debate" for the time being and Gonzales v. Raich, 545 U.S. 1 (2005), is the governing law.

Thus, there is no basis for this last-ditch effort at release. The application is DENIED and defendant shall report on July 6, 2009, at the time assigned, to the designated institution as directed by the United States Marshal and this court.

Date: July 2, 2009



MARILYN HALL PATEL  
United States District Court  
Northern District of California

United States District Court  
For the Northern District of California

**ENDNOTES**

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